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IN THE CIRCUIT COURT OF THE STATE OF OREGON

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FOR MULTNOMAH COUNTY

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12 WILLIAM STEWART,

13 Plaintiff,

14 vs.

15 PARKING ENFORCEMENT SERVICES  
16 LLC, dba RETRIEVER TOWING, and  
SCOTT WALBRUN,

17 Defendants.

18

) Case No.:  
)  
) COMPLAINT AND DEMAND FOR JURY  
) TRIAL  
)  
) (Tort-Motor Vehicle)  
)  
) (Not Subject to Mandatory Arbitration)  
)  
) Total prayer: \$603,000.00  
) Filing fee \$560.00 per ORS 21.160(1)(c)

19 For his complaint against defendant, William Stewart alleges:

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1.

21 At all material times, Parking Enforcement Services LLC does business as Retriever  
22 Towing (Retriever Towing) and conducts regular, sustained business activity, or has an office for  
23 the transaction of business, or has an agent authorized to receive process in Multnomah County,  
24 Oregon. At all material times, Scott Walbrun is a resident of Multnomah County, Oregon, or a  
25 resident of another state. At all material times, Interstate 205 is a public thoroughfare in  
26 Multnomah County, Oregon.

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At all material times, defendant Scott Walbrun acted within the course and scope of his employment with defendant Retriever Towing. At all material times, defendant Retriever Towing acted through employees acting within the course and scope of their employment.

3.

On or about December 14, 2017, defendant Walbrun, driving a 2002 International 4300 tow truck for defendant Retriever Towing, VIN ending in 504597, was driving northbound on Interstate 205. William Stewart was stopped in traffic in his 2007 Toyota Avalon. Defendant Walbrun crashed into the back of Mr. Stewart's car, shoving it into the vehicle in front of him and injuring him as set forth below.

4.

The collision in question, and William Stewart's resulting personal injuries, were caused or contributed to by the negligence of defendant Scott Walbrun in one or more of the following particulars:

- (a) In failing to keep a proper lookout;
- (b) In failing to maintain a reasonable speed for the conditions;
- (c) In failing to maintain control over his vehicle;
- (d) In following too close in violation of ORS 811.485.

5.

ORS 811.485 was intended to protect motorists from the kind of harm which happened to Mr. Stewart.

6.

As a result of defendant Walbrun's negligence, a collision occurred wherein defendant Retriever Towing's truck struck William Stewart's car, shoving it into the vehicle in front of him and injuring Mr. Stewart. William Stewart sustained injury to the discs, nerves, muscles, tendons, ligaments and or other tissues in neck and back; a concussion, cognitive dysfunction,

1 headaches, and vertigo; nerve damage to his right eye with a fixed dilated pupil, retina damage to  
2 his right eye; fibular bone fragment, peroneal tendon inflammation, and ankle swelling,  
3 inflammation and weakness; anxiety; numbness in his right hand; contusions to his head, left  
4 shoulder, and left thigh; and pain in his head, neck, back, right hand, left leg, left ankle, and left  
5 foot. All of these injuries are either new injuries or aggravations of previously existing  
6 conditions. These injuries have caused William Stewart pain and suffering, emotional distress,  
7 impairment to his normal and usual activities, and reduced his quality of life all to his non-  
8 economic damages in a reasonable amount up to \$475,000.00.

9 7.

10 As a further result of the collision caused by defendant Retriever Towing's negligence,  
11 William Stewart had to undergo medical treatment and physical therapy for his injuries. Mr.  
12 Stewart incurred medical bills for the reasonable value of necessary medical treatment for the  
13 injuries up to \$53,000.00.

14 8.

15 As a further result of the collision caused by defendant Retriever Towing's negligence,  
16 William Stewart is reasonably likely to incur future medical expenses for necessary treatment up  
17 to \$75,000.00.

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1 WHEREFORE, William Stewart prays for a judgment against defendant Retriever

2 Towing:

3 (1) In a reasonable amount up to \$475,000.00 for his non-economic damages; and

4 (2) In a reasonable amount up to \$128,000.00 for his economic damages; and

5 (3) For his costs and disbursements herein; and

6 (4) For such other relief as the court deems appropriate.

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Dated this 26<sup>th</sup> day of September, 2019

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CHRISTOPHER T. HILL, PC

10

11

s/ Christopher T. Hill  
Christopher T. Hill, OSB 97283  
Attorney for Plaintiff

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13 PLAINTIFF HEREBY DEMANDS  
14 A TRIAL BY JURY

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16

s/ Christopher T. Hill  
Christopher T. Hill, OSB 97283  
Attorney for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

WILLIAM STEWART,

Plaintiff,

vs.

PARKING ENFORCEMENT SERVICES,  
LLC, dba RETRIEVER TOWING, and  
SCOTT WALBRUN

Defendants.

Case No.: 19CV42304

NOTICE OF INTENT TO APPLY FOR  
DEFAULT ORDER

Pursuant to ORCP 69B(2), plaintiff hereby provides written notice that he will apply for an order of default against defendant Parking Enforcement Services, LLC on Wednesday, November 21, 2019.

Dated this 7<sup>th</sup> day of November, 2019

CHRISTOPHER T. HILL, PC

s/ Christopher T. Hill  
Christopher T. Hill, OSB 97283  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing NOTICE OF INTENT TO APPLY FOR DEFAULT ORDER on the attorneys for defendant herein on November 7, 2019, by mailing a true copy thereof to the following:

Tyson L. Calvert  
Lindsay Hart, LLP  
1300 SW 5th Ave. Ste. 3400  
Portland, OR 97201-5640  
Fax 503-226-7697  
Of Attorneys for Parking Services LLC

Dated this 7<sup>th</sup> day of November, 2019

CHRISTOPHER T. HILL, PC

s/ Christopher T. Hill  
Christopher T. Hill, OSB 97283  
Attorney for Plaintiff

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

WILLIAM STEWART,	)	
	)	Case No.: 19CV42304
Plaintiff,	)	
	)	NOTICE OF INTENT TO APPLY FOR
vs.	)	DEFAULT ORDER
	)	
PARKING ENFORCEMENT SERVICES,	)	
LLC, dba RETRIEVER TOWING, and	)	
SCOTT WALBRUN,	)	
	)	
Defendant.	)	
_____	)	

Pursuant to ORCP 69E(3), plaintiff hereby provides written notice that he will apply for an order of default against defendant on Wednesday, December, 11 2019.

Dated this 7<sup>th</sup> day of November, 2019

CHRISTOPHER T. HILL, PC

s/ Christopher T. Hill  
Christopher T. Hill, OSB 97283  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing NOTICE OF INTENT TO APPLY FOR DEFAULT ORDER together with a copy of the SUMMONS AND COMPLAINT on the insurer and attorneys for defendant herein on November 7, 2019, by mailing a true copy thereof to the following by first class mail and by certified mail return receipt requested:

Tom Weir, Senior Claims Representative  
Western National Insurance Group  
PO Box 1463  
Minneapolis, MN 55440  
Certified Mail Return Receipt No. 7015 0920 0002 3316 0546  
Insurer for Defendant

Tyson L. Calvert  
Lindsay Hart, LLP  
1300 SW 5th Ave. Ste. 3400  
Portland, OR 97201-5640  
Certified Mail Return Receipt No. 7015 0920 0002 0553  
Of Attorneys for Defendants

Dated this 7<sup>th</sup> day of November, 2019

CHRISTOPHER T. HILL, PC

s/ Christopher T. Hill  
Christopher T. Hill, OSB 97283  
Attorney for Plaintiff



IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

WILLIAM STEWART,

Plaintiff,

vs.

PARKING ENFORCEMENT SERVICES LLC dba  
RETRIEVER TOWING, and SCOTT WALBRUN

Defendant,

CASE NO. 19CV42304

SUMMONS

TO: Scott Walbrun, Defendant  
7324 SE Ogden St. Unit A  
Portland, OR 97222

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or toll free elsewhere in Oregon at (800) 452-7636.

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.

Christopher T. Hill, OSB No. 97283  
Of Attorneys for Plaintiff(s)

Christopher T. Hill, PC  
811 S.W. Naito Parkway, Suite 420  
Portland, OR 97204

Of Attorneys of Record For Plaintiff(s)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

Of Attorneys for Plaintiff(s)

1 - Summons

Christopher T. Hill, PC  
811 S.W. Naito Parkway, Suite 420  
Portland, Oregon 97204  
Tel: (503) 227-4330  
Fax: (503) 227-3230  
Chill@ethlaw.com

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

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FOR MULTNOMAH COUNTY

11

12 WILLIAM STEWART,

13 Plaintiff,

14 vs.

15 PARKING ENFORCEMENT SERVICES  
16 LLC, dba RETRIEVER TOWING, and  
SCOTT WALBRUN,

17 Defendants.

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) Case No.:  
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) COMPLAINT AND DEMAND FOR JURY  
) TRIAL  
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) (Tort-Motor Vehicle)  
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) (Not Subject to Mandatory Arbitration)  
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) Total prayer: \$603,000.00  
) Filing fee \$560.00 per ORS 21.160(1)(c)  
)

19 For his complaint against defendant, William Stewart alleges:

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1.

21

22 At all material times, Parking Enforcement Services LLC does business as Retriever  
23 Towing (Retriever Towing) and conducts regular, sustained business activity, or has an office for  
24 the transaction of business, or has an agent authorized to receive process in Multnomah County,  
25 Oregon. At all material times, Scott Walbrun is a resident of Multnomah County, Oregon, or a  
26 resident of another state. At all material times, Interstate 205 is a public thoroughfare in  
Multnomah County, Oregon.

2.

At all material times, defendant Scott Walbrun acted within the course and scope of his employment with defendant Retriever Towing. At all material times, defendant Retriever Towing acted through employees acting within the course and scope of their employment.

3.

On or about December 14, 2017, defendant Walbrun, driving a 2002 International 4300 tow truck for defendant Retriever Towing, VIN ending in 504597, was driving northbound on Interstate 205. William Stewart was stopped in traffic in his 2007 Toyota Avalon. Defendant Walbrun crashed into the back of Mr. Stewart's car, shoving it into the vehicle in front of him and injuring him as set forth below.

4.

The collision in question, and William Stewart's resulting personal injuries, were caused or contributed to by the negligence of defendant Scott Walbrun in one or more of the following particulars:

- (a) In failing to keep a proper lookout;
- (b) In failing to maintain a reasonable speed for the conditions;
- (c) In failing to maintain control over his vehicle;
- (d) In following too close in violation of ORS 811.485.

5.

ORS 811.485 was intended to protect motorists from the kind of harm which happened to Mr. Stewart.

6.

As a result of defendant Walbrun's negligence, a collision occurred wherein defendant Retriever Towing's truck struck William Stewart's car, shoving it into the vehicle in front of him and injuring Mr. Stewart. William Stewart sustained injury to the discs, nerves, muscles, tendons, ligaments and or other tissues in neck and back; a concussion, cognitive dysfunction,

1 headaches, and vertigo; nerve damage to his right eye with a fixed dilated pupil, retina damage to  
2 his right eye; fibular bone fragment, peroneal tendon inflammation, and ankle swelling,  
3 inflammation and weakness; anxiety; numbness in his right hand; contusions to his head, left  
4 shoulder, and left thigh; and pain in his head, neck, back, right hand, left leg, left ankle, and left  
5 foot. All of these injuries are either new injuries or aggravations of previously existing  
6 conditions. These injuries have caused William Stewart pain and suffering, emotional distress,  
7 impairment to his normal and usual activities, and reduced his quality of life all to his non-  
8 economic damages in a reasonable amount up to \$475,000.00.

9 7.

10 As a further result of the collision caused by defendant Retriever Towing's negligence,  
11 William Stewart had to undergo medical treatment and physical therapy for his injuries. Mr.  
12 Stewart incurred medical bills for the reasonable value of necessary medical treatment for the  
13 injuries up to \$53,000.00.

14 8.

15 As a further result of the collision caused by defendant Retriever Towing's negligence,  
16 William Stewart is reasonably likely to incur future medical expenses for necessary treatment up  
17 to \$75,000.00.

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11/20/2019 3:49 PM  
19CV42304IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

WILLIAM STEWART,

Plaintiff,

vs.

PARKING ENFORCEMENT SERVICES LLC,

Defendants.

Case No. 19CV42304

PROOF OF SERVICE

STATE OF OREGON, County of Multnomah ss.

I hereby certify that I made service of the foregoing summons upon the individuals and other legal entities to be served, named below, by delivering or leaving true copies of the summons and the complaint mentioned therein, certified to be such by the same attorney for the Plaintiff, as follows:

Service on Corporations, Limited Partnerships or Unincorporated Associations  
Subject to Suit Under a Common Name

Upon PARKING ENFORCEMENT SERVICES LLC, by

(a) delivering such true copy, personally and in person, to \_\_\_\_\_

who is the Registered Agent, thereof at \_\_\_\_\_, on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

OR

(b) leaving such true copy with Melissa Pedersen, the person who is apparently in charge of the office of Jordan Ramis PC, who is the Registered Agent thereof at 2 Centerpointe Dr. 6th Floor Lake Oswego, OR 97035, on 10/03/2019, at 3:29 o'clock P M.

I further certify that I am a competent person 18 years of age or older and a resident of the state of service or the State of Oregon, and that I am not a party to nor an officer, director or employee of, nor attorney for any party, corporate or otherwise; that the person, firm or corporation served by me is the identical person, firm or corporation named in the action.

Dated October 3, 2019

SIGNATURE

Richard W. Bender  
P.O. Box 5817  
Salem, OR 97304  
503-370-4100

RECEIVED OCT 07 2019

\*Where substituted or office service is used, the Plaintiff, as soon as reasonably possible, shall cause to be mailed, by first class mail, a

true copy of the summons and the complaint to the defendant at defendant=s dwelling house or usual place of abode, together with a statement of the date, time and place at which such service was made.

**\*\*Service by mail may be made when required or allowed by ORCP 7 or by statute, except as otherwise permitted. If the summons and complaint are mailed, this certification may be made either by the person completing the mailing or by the attorney for any party, stating the circumstances of mailing and including the return receipt as an attachment. An attorney completing the mailing should delete A, nor attorney for@ from the last paragraph of this document. Failure to serve a summons in accordance with ORCP 7 and other applicable rules and statutes may affect or nullify the validity of such service.**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

WILLIAM STEWART,

Plaintiff,

vs.

PARKING ENFORCEMENT SERVICES LLC dba  
RETRIEVER TOWING, and SCOTT WALBRUN

Defendant,

CASE NO. 19CV42304

SUMMONS

TO: Parking Enforcement Services LLC, c/o  
Jordan Ramis PC, Registered Agent  
2 Centerpointe Dr. 6th Floor  
Lake Oswego, OR 97035

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

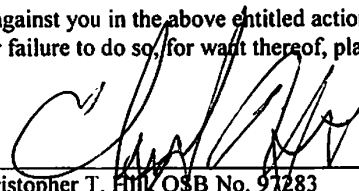
**NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!**

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

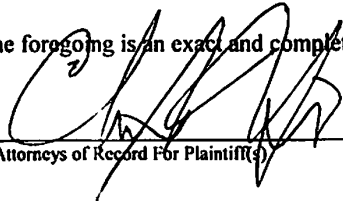
If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar's Lawyer Referral Service online at [www.oregonstatebar.org](http://www.oregonstatebar.org) or by calling (503) 684-3763 (in the Portland metropolitan area) or toll free elsewhere in Oregon at (800) 452-7636.

STATE OF OREGON, County of Multnomah) ss.

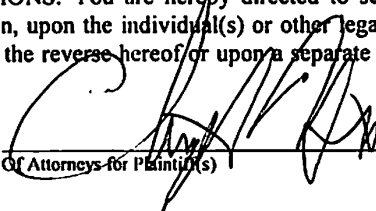
I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.

  
\_\_\_\_\_  
Christopher T. Hill, OSB No. 97283  
Of Attorneys for Plaintiff(s)

Christopher T. Hill, PC  
811 S.W. Naito Parkway, Suite 420  
Portland, OR 97204

  
\_\_\_\_\_  
Of Attorneys of Record For Plaintiff(s)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

  
\_\_\_\_\_  
Of Attorneys for Plaintiff(s)

1 - Summons

Christopher T. Hill, PC  
811 S.W. Naito Parkway, Suite 420  
Portland, Oregon 97204  
Tel: (503) 227-4330  
Fax: (503) 227-3230  
Chill@cthlaw.com